

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

In re:

KEITH A. FAUVIE,

Debtor.

§
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§
§
§

**Chapter 7
Case Number: 15-40635-EJC**

**AMENDED NOTICE OF MOTION TO APPROVE COMPROMISE OR SETTLEMENT
AND OPPORTUNITY FOR HEARING**

Movant has filed a Motion with this Court seeking approval of a settlement or compromise, copy attached hereto.

If you have legal grounds to oppose the motion, or if you wish the Court to consider your views on the motion, you must file a written request for a hearing with the Clerk of the Bankruptcy Court before the expiration of twenty-one (21) days from the date stated in the certificate of service.

If you mail your request for hearing to the Court, you must mail it early enough so that it will be received before the time referenced above.

Any request for a hearing must also be mailed to the moving party and all other persons indicated in the certificate of service attached to these pleadings.

If a timely request is filed, you will receive notice of the date, time, and place of the hearing.

If you or your attorney does not take these steps, the Court will decide that you do not oppose the motion and will enter an order granting it.

Date: 01/31/2019

/s/ Wendy A. Owens
Attorney for Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN THE MATTER OF:)
)
KEITH A. FAUVIE,)
) CHAPTER 7 CASE NO.:
) 15-40635-EJC
DEBTOR.)

TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT

COMES NOW WENDY A. OWENS, Trustee in the above-captioned bankruptcy case, and files this Motion to Approve Compromise and Settlement and, in support thereof, shows the Court the following:

1.

An asset of the estate is a 1978 Chevrolet Camaro (the "Camaro"). The proposed offer for the Camaro is \$5400.00. The debtor's exemption allowed is \$1500.00 and the expense for the sale to be paid by James Drake is \$1312.36, which allows for a net recovery of \$2587.64.

2.

An asset of the estate is a 2003 Stingray boat, motor and trailer (the "Stingray"). The proposed offer for the Stingray is \$1850.00. There is no debtor's exemption on the asset and the expense for the sale to be paid by James Drake is \$585.00, which allows for a net recovery of \$1265.00.

3.

The costs of administration are a \$1,425.00 Trustee's Commission and a \$280.00 accountant expenses regarding the estate tax consequences. Therefore, James Drake agrees to pay into the estate the sum of \$5,557.64.

4.

The decision to approve a settlement pursuant to Bankruptcy Rule 9019 lies within the sound discretion of the Bankruptcy Court. In re Blue Coal Corp., 47 B.R. 758 (Bankr. M.D.Pa. 1985); In re Tidewater Group, Inc., 13 B.R. 764, 765 (Bankr. N.D.Ga. 1981). In evaluating a proposed settlement, the Court must consider four factors: (a) the probability of success in litigation; (b) the likely difficulties in collection; (c) the complexity of the litigation involved and the expense, inconvenience and delay necessarily attending it; and (d) the paramount interest of the creditors. In re Martin, 91 F.3d 389, 393 (3rd Cir. 1996); In re Tidewater, supra. In doing so, the Court must consider the factor that the "law favors compromise." Port O'Call Investments Co. v. Blair (In re Blair), 538 F. 2d 849, 851 (9th Cir. 1976).

5.

Your Trustee submits her belief that the foregoing compromise and settlement is in the

best interest of the bankruptcy estate, and hereby seeks authority to execute any and all documents necessary to effectuate said compromise and settlement.

WHEREFORE, your Trustee respectfully requests that this Motion to Approve Compromise and Settlement be granted.

This 31st day of January, 2019.

/s/ Wendy A. Owens

Wendy A. Owens
Chapter 7 Trustee
Attorney for Trustee

Prepared by:

Wendy A. Owens, Esq.
Law Office of Wendy A. Owens, PC
PO Box 8846
Savannah, Georgia 31412
(912) 210-0901
GA State Bar No.: 557809

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

In re:

KEITH A. FAUVIE,

Debtor.

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**Chapter 7
Case Number: 15-40635-EJC**

**ORDER ON MOTION FOR AUTHORITY TO COMPROMISE
PURSUANT TO BANKRUPTCY RULE 9019**

Chapter 7 Trustee, Wendy A. Owens (“Trustee”), having filed a Motion for Authority to Compromise Claim Pursuant To Bankruptcy Rule 9019 (“Motion”), after notice of opportunity for hearing and the motion having been served on respondent(s) and no response having been filed and it appearing that such motion should be granted; it is therefore,

ORDERED, ADJUDGED, and DECREED that the Motion filed by the Trustee is granted as follows: The Trustee is hereby authorized to settle the estate’s claim against the Defendant, James L. Drake, Jr., (“Defendant”) on the following terms: Defendant shall pay \$5,557.64 to Wendy A. Owens, Chapter 7 Trustee within fifteen (15) days of the entry of this order and receipt of a completed copy of the Estate’s W-9 by the undersigned James L. Drake, Jr., in full and final

settlement of the estate's claims against the Defendant based on the Transfers as set forth in the Motion. The entry of this Order fully resolves this matter.

END OF DOCUMENT

PREPARED BY:

/s/ Wendy A. Owens
Wendy A. Owens
GA Bar No. 557809
Attorney for Trustee
Post Office Box 8846
Savannah, GA 31412
(912) 239-9888
wowens@coastalempirelaw.com

Consented to by:

/s/ James L. Drake, Jr.
James L. Drake, Jr.
PO Box 9945
Savannah, GA 31412
Tel: 912-790-1533
[Email: jdrake@drakefirmpc.com](mailto:jdrake@drakefirmpc.com)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN THE MATTER OF:)
)
KEITH A. FAUVIE,)
)
)
)
DEBTOR.) CHAPTER 7 CASE NO.:
) 15-40635-EJC

AMENDED CERTIFICATE OF SERVICE

This is to certify that I have this date served the foregoing, AMENDED NOTICE OF MOTION TO APPROVE COMPROMISE OR SETTLEMENT AND OPPORTUNITY FOR HEARING, AMENDED TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT AND PROPOSED ORDER, through CM/ECF or by depositing same in the United States Mail with sufficient postage affixed thereon, to those addressed below:

**Mr. Keith A. Fauvie
W4736 County Road G, Box 23
Mauston, WI 53948**

**Matthew E. Mills
Assistant U.S. Trustee
Office of the U.S. Trustee
Johnson Square Business Center
2 East Bryan Street, Ste. 725
Savannah, GA 31401**

**Mr. John Pytte
Attorney at Law
PO Box 949
Hinesville, Georgia 31310**

**Mr. James L. Drake, Jr.
Attorney at Law
PO Box 9945
Savannah, Georgia 31412**

**And all those parties as listed on the attached mailing matrix
(See Attachment)**

This the 31st day of January, 2019

**/s/ Wendy A. Owens
WENDY A. OWENS, Trustee/Petitioner**

**Prepared by:
Wendy A. Owens, Esq.
GA BAR No. 557809
Chapter 7 Trustee**

**P.O. Box 8846
Savannah, GA 31412
912-239-9888
trustee@coastalempirelaw.com**

Label Matrix for local noticing

113J-4

Case 15-40635-EJC

Southern District of Georgia

Savannah

Thu Jan 31 13:10:45 EST 2019

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Ally Financial

200 Renaissance Ctr

Detroit MI 48243-1300

CECRB/Rooms To Go

Attn: Bankruptcy

Po Box 103104

Roswell GA 30076-9104

Capital One, N.a.
Capital One Bank (USA) N.A.
Po Box 30285
Salt Lake City UT 84130-0285Chase
Po Box 24696
Columbus OH 43224-0696Chase Bank Usa, Na
Po Box 15298
Wilmington DE 19850-5298Citibank/The Home Depot
Citicorp Credit Svcs/Centralized Bankrup
Po Box 790040
Saint Louis MO 63179-0040Debt Management Servicing Center
Bureau Of The Fiscal Serv/DMSC-Birming
PO Box 830794
Birmingham AL 35283-0794James L. Drake Jr.
P. O. Box 9945
Savannah, GA 31412-0145EnerBank USA
1245 East Brickyard Road, Suite 600
Salt Lake City, UT 84106-2562Enerbank Usa
1945 W Parnall Rd Ste 22
Jackson MI 49201-8658Keith A Fauvie
W4736 County Road G
Box 23
Mauston, WI 53948-8953Kohls/capital One
N56 W 17000 Ridgewood Dr
Menomonee Falls WI 53051-5660Matthew E. Mills
Office of The U S Trustee
Johnson Square Business Center
2 East Bryan St., Ste 725
Savannah, GA 31401-2638Office of the U. S. Trustee
Johnson Square Business Center
2 East Bryan Street, Ste 725
Savannah, GA 31401-2638Wendy A. Owens, Trustee
Law Office of Wendy A. Owens, PC
PO Box 8846
Savannah, GA 31412-8846Wendy Anne Owens, Trustee
Law Office of Wendy A. Owens, PC
PO Box 8846
Savannah, GA 31412-8846John E. Pytte
P O Box 949
Hinesville, GA 31310-0949Sears/cbna
Po Box 6282
Sioux Falls SD 57117-6282State Farm Fncl Svcs F
State Farm Bank/ Attention: Bankruptcy
Po Box 2328
Bloomington IL 61702-2328Shawna Y. Staton
James L. Drake, Jr., PC
7 E Congress St, Ste 901
P O Box 9945
Savannah, GA 31412-0145U.S Small Buisiness Administration
PO Box 740192
Atlanta GA 30374-0192United States Attorney
P.O. Box 8970
Savannah GA 31412-8970Volkswagen Credit Inc
National Bankruptcy Services
9441 Lbj Freeway, Suite 250
Dallas TX 75243-4640Webbank/fingerhut
6250 Ridgewood Roa
Saint Cloud MN 56303-0820Wells Fargo Bank
Po Box 14517
Des Moines IA 50306-3517Wells Fargo Bank Nv Na
Attn: Deposits Bankruptcy MAC# P6103-05K
Po Box 3908
Portland OR 97208-3908Wells Fargo Card Services
1 Home Campus 3rd Floor
Des Moines, IA 50328-0001(p)WELLS FARGO BANK NA
WELLS FARGO HOME MORTGAGE AMERICAS SERVICING
ATTN BANKRUPTCY DEPT MAC X7801-014
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Wells Fargo Hm Mortgag
8480 Stagecoach Cir
Frederick MD 21701

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)James L. Drake Jr.
P. O. Box 9945
Savannah, GA 31412-0145

(u)Donald James

(d)Wendy A. Owens, Trustee
Law Office of Wendy A. Owens, PC
PO Box 8846
Savannah, GA 31412-8846

(u)U.S. Small Business Administration

End of Label Matrix	
Mailable recipients	29
Bypassed recipients	4
Total	33